

### III. REMARKS

1. Claims 1, 4, 5 and 7 have been amended.
2. Applicants respectfully submit that amended claims 1, 4, 5 and 7 are patentable over Jackowski et al. ("Jackowski") (U.S. Patent No. 6,141,686).  
\* Jackowski fails to disclose the features of determining an association between said identifier and a particular QoS policy in a database stored in said terminal device, determining in said terminal the QoS parameters contained in the QoS policy and communicating from said terminal device to the network the QoS parameters to be applied to said at least one of the application and the data stream from or to the application.

Jackowski discloses a system for policing traffic in an IP network, which comprises a number of workstations, an edge server and a policy server. In Jackowski, an extensible service provider interface is placed between the winsock-API used by an application and the IP protocol stack. A number of plugin programs may be attached to the winsock-API. An event notification service is provided for the plugin programs via which they are provided with notifications on events such as the starting and stopping of applications, the opening of sockets, the connecting of sockets, the writing and read of a socket, and the closing of sockets. The plugin programs are also informed of a process identifier based on which they may obtain the name of the application associated with the process. An application classified plugin collects statistical information on the capacity consumed by the application.

According to Jackowski the policy server is provided information on flows that are associated with given source and destination addresses and TCP-ports via the edge server. The policy server acquires information on the applications that are associated with these flows and statistical information collected by the classified plugin from the workstations that originate or terminate these flows. The policy server compares the consumed capacity to acceptable threshold values. If the threshold values have been exceeded, the policy server instructs the edge server to regulate the traffic by delaying or dropping packets.

In Jackowski, the QoS determination based on the application is made in an external policy server so that the connection from the workstation to a remote server is made first. The actual policing is performed afterwards by comparing the traffic statistics associated with the application to the threshold value. Further, the policy server acquires flow data from the workstation.

In Applicant's invention, as recited in the claims, the device itself determines an association between the application identifier and a particular QoS policy in a database stored in the device itself, determines in the device the QoS parameters contained in the QoS policy and communicates from the device to the network the QoS parameters to be applied to the at least one of the application and the data stream from or to the application. This is not disclosed or suggested by Jaackowski. The benefit of Applicant's invention as claimed is that Applicant's invention guarantees compatibility to systems where even the initial setting up of a communication path requires knowledge of the QoS. The QoS is required in the communication path establishment procedure. The solution taught by Jackowski

is essentially based on statistics collected after the communication path has been used for some time, and does not lead to Applicant's invention, because, without having the communication path established, no data is sent. Thus, no flow information will ever be received in the edge server.

Thus, Jackowski does not disclose or suggest each feature of Applicant's invention as recited in claims 1, 6 and 7. Claims 2-3, 6 and 8 depend on claims 1, 5 and 7 respectively, and should also be allowable at least in view of the respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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9 December 2004  
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